

ESTTA Tracking number: **ESTTA85844**

Filing date: **06/16/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Abbott Laboratories		
Entity	Corporation	Citizenship	Illinois
Address	100 Abbott Park Road Abbott Park, IL 60064-6008 UNITED STATES		

Correspondence information	Mary L. Winburn Senior Counsel Abbott Laboratories 100 Abbott Park Road D377 Bldg. AP6A-1 Abbott Park, IL 60064-6008 UNITED STATES mary.winburn@abbott.com, trademarks@abbott.com Phone:847-935-1246
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### Registration Subject to Cancellation

Registration No	2852228	Registration date	06/08/2004
Registrant	Cicchitto, Jonathan P 3604 Glen Ridge Lane Sarasota, FL 34233 UNITED STATES		
Goods/Services Subject to Cancellation	Class 010. First Use: 2003/10/05 , First Use In Commerce: 2003/10/05 Goods/Services: Elastic/ Fleece Band to be worn on the head for headache relief		

Attachments	Headache Relief Band - Cancellation.pdf ( 1 page )(48691 bytes )
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Signature	/mary winburn/
Name	Mary L. Winburn
Date	06/16/2006

1. Upon information and belief, Registrant is the owner of record of Registration No. 2852228.
2. Said Registration was issued in International Class 10 for elastic fleece bandages to be worn on the head for headache relief.
3. Petitioner is the owner of record of U.S. Application No. 78/645971 for RELIEFBAND for use in connection with a medical device for the prevention and treatment of nausea in International Class 10.
4. Petitioner is and has been for many years engaged in the manufacturing and sale of medical devices. In connection therewith, Petitioner has used in interstate commerce the trademark RELIEFBAND since long prior to Registrant's date of first use of the trademark HEADACHE RELIEF BAND.
5. The trademark HEADACHE RELIEF BAND is confusingly similar to Petitioner's RELIEFBAND trademark, and its registration and continued use by Registrant on its goods is likely to cause confusion, deception and mistake.
6. Petitioner is likely to be damaged by continuance of said Registration because registration of Petitioner's RELIEFBAND mark will be refused by the Examining Attorney under Trademark Act Section 2(d), 15 U.S.C. §1052(d), based on a likelihood of confusion with said Registration.

By reason of the foregoing, Petitioner is being damaged by said Registration and requests that said Registration be cancelled.